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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HOANG, SON T	
			ART UNIT	PAPER NUMBER
			2165	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/563,258

Applicant(s)

IWATSU ET AL.

Examiner

SON T. HOANG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-15, 19-22 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-15, 19-22 and 24-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. **Claims 7-9, 16-18, 23, and 31** are canceled.

No claims are amended.

Claims 1-6, 10-15, 19-22, and 24-30 are pending.

Response to Arguments

2. Applicant's argument towards the 35 U.S.C. 103(a) rejections of the pending claims have been fully considered but are not persuasive.

Applicant argues towards the rejections of independent **claims 1, 10, 19, and 24** regarding the fact that the combination of Yuji and Eide does not disclose "*deletion-target priority*" since it does not disclose said data is content copied from a compact disk.

The Examiner respectfully disagrees with the above remark. Accordingly, Eide discloses there are two types of information stored in the main storage 304, one type is swappable and the other is non-swappable ([Column 19, Lines 29-42]). The swappable information can be copied into main storage 304 from external storage device 314 when needed, and also can be deleted or copied back into external storage device 314 from main storage 304 when such information is no longer needed ([Column 19, Lines 21-28]). External storage device is defined to include optical drive ([Column 18, Lines 47-53]) which reads and records CD, DVD, Blue-ray discs, etc.

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Non-swappable information, on the other hand, is stored in a read-only memory (ROM) and cannot be deleted ([Column 19, Lines 38-42]). Such non-swappable information is not disclosed in Eide as being copied from an external storage device. Therefore, the priority to be discarded belong only to swappable information (which is copied from external storage device) in order to save storage space.

Dependent **claims 2-6, 11-15, 20-22, and 25-30** are also rejected for the similar reasons presented above.

In view of the above, the Examiner contends that all limitations as recited in the claims have been addressed in this instant Office action. Hence, Applicant's arguments do not distinguish over the claimed invention over the prior art of record.

For the above reasons, the Examiner believed that rejections of this instant Office action is proper.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-6, 10-15, 19-22, and 24-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over by Yuji (*Pub. No. JP 2003-173278, published on June 20, 2003*) in view of Eide et al. (*Pat. No. US 6,243,774, published on June 5, 2001; hereinafter Eide*).

Regarding **claim 1**, Yuji clearly shows and discloses a data storage control apparatus ([0018]-[0022]), comprising:

data attribution detection means for detecting attribution of storing-target data (*The data is passed to the filter section. Out of the passed data, the filter section identifies expiration date information, significance information and classification information, [0022]*);

determination means for determining whether or not the storage of said data is to be performed based on the attribution of said data detected by said data attribution detection means (*When having passed over the expiration date, (Y) cancels received data (it does not record) and is completed, [0022]*);

data deletion means for deleting data having higher deletion-target priority than others from among a plurality of stored data, if said determination means determines that the storage of said data is to be performed and a storage medium for storing said data runs out of space (*The record control section records the information received from the filter section on a recording device. Here, when the capacity of a recording device is full, the data considered to be the most unnecessary are eliminated in order, judging from significance, classification, information, an expiration date ... Moreover, the record control*

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section eliminates automatically the information which has passed over the expiration date in the recorded information, [0019]); and

data storage means for storing said storing-target data in said storage medium after said data deletion means deletes data having higher said deletion-target priority (When the capacity of a recording device is full, the data considered to be the most unnecessary are eliminated in order, judging from significance, classification information, an expiration date, etc., and the information received newly is recorded, [0019]).

Yuji does not disclose copying data from an external storage medium, and setting deletion-target priority of said data to high for all data with attribution of said data showing that said data is content copied from a compact disk.

However, Eide teaches copying data from an external storage medium, and setting deletion-target priority of said data to high for all data with attribution of said data showing that said data is content copied from a compact disk *(whenever information such as program code is to be executed by the processor, that information is copied from an external storage device such as device 314 to main storage 304 so that it can be accessed by the processor. Similarly, if such information is no longer being used, and other information is needed, the unused information is often discarded or copied back into the external storage device to make room for the new information, [Column 19, Lines 21-28]. External storage device 314 may include practically any form of mass storage device, e.g., a direct access storage device (DASD), an optical drive, a floppy drive, a hard disk drive,*

and/or a tape drive, etc., irrespective of whether it is physically housed in the same housing as the processing complex, [Column 18, Lines 47-53]].

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Eide with the teachings of Yuji for the purpose of managing computer resources each facilitate concurrent maintenance operations by automatically re-associating existing resources in a computer, when suitable, with appropriate hardware devices installed into the computer after a concurrent maintenance operation has been performed ([Abstract] of Eide).

Regarding **claim 2**, Yuji further discloses said data attribution detection means detects attribution of said data based on applications which request the storage of said data (*A sending set transmits the data of a gestalt which the inverter changed and which can be distributed with a broadcasting mold, [0018]*).

Regarding **claim 3**, Yuji further discloses said data attribution detection means extracts data attribution information which said data contains to detect attribution of said data (*The data is passed to the filer section. Out of the passed data, the filer section identifies expiration date information, significance information and classification information, [0022]*).

Regarding **claims 4, and 6**, Yuji further discloses the determination means determines the storage of said data is to be performed, if attribution of said data shows that said data is information relating to broadcast contents or said data is broadcast content data (*When it is judged that earthquake information, a heavy*

rain warning, etc. are important for a user as for the classification information which shows the classification of the contents whose information the and it will change into the data of a gestalt which can be distributed, [0018]. Since the information which can judge when informational important point or needlessness data are received, hence, does not record unnecessary information, [0029]).

Regarding **claim 5**, Yuji further discloses the determination means determines the storage of said data is to be performed, if attribution of said data shows that said data is now-on-air information including title information of broadcast contents (*Classification information of the important information, i.e., earthquake information, a heavy rain warning etc. may be added with the category information which subdivided an informational classification further, [0018]. It is inherent that classification and/or category information contains title of the important news / information).*

Regarding **claim 10**, Yuji clearly shows and discloses a data storage control method ([0018]-[0022]), comprising the steps of:

detecting attribution of storing-target data (*The data is passed to the filer section. Out of the passed data, the filer section identifies expiration date information, significance information and classification information, [0022]);*

determining whether or not the storage of said data is to be performed based on the attribution of said data detected by said detecting (*When having passed over the expiration date, (Y) cancels received data (it does not record) and is completed, [0022]);*

deleting data having higher deletion-target priority than others from among a plurality of stored data, if said determination step determines that the storage of said data is to be performed and a storage medium for storing said data runs out of space (*The record control section records the information received from the filter section on a recording device. Here, when the capacity of a recording device is full, the data considered to be the most unnecessary are eliminated in order, judging from significance, classification, information, an expiration date ... Moreover, the record control section eliminates automatically the information which has passed over the expiration date in the recorded information, [0019];* and

storing said storing-target data in said storage medium after said data deletion step deletes data having higher said deletion-target priority (*When the capacity of a recording device is full, the data considered to be the most unnecessary are eliminated in order, judging from significance, classification information, an expiration date, etc., and the information received newly is recorded, [0019]*).

Yuji does not disclose copying data from an external storage medium, and setting deletion-target priority of said data to high for all data with attribution of said data showing that said data is content copied from a compact disk

However, Eide teaches copying data from an external storage medium, and setting deletion-target priority of said data to high for all data with attribution of said data showing that said data is content copied from a compact disk

(whenever information such as program code is to be executed by the processor, that information is copied from an external storage device such as device 314 to main storage 304 so that it can be accessed by the processor. Similarly, if such information is no longer being used, and other information is needed, the unused information is often discarded or copied back into the external storage device to make room for the new information, [Column 19, Lines 21-28]. External storage device 314 may include practically any form of mass storage device, e.g., a direct access storage device (DASD), an optical drive, a floppy drive, a hard disk drive, and/or a tape drive, etc., irrespective of whether it is physically housed in the same housing as the processing complex, [Column 18, Lines 47-53]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Eide with the teachings of Yuji for the purpose of managing computer resources each facilitate concurrent maintenance operations by automatically re-associating existing resources in a computer, when suitable, with appropriate hardware devices installed into the computer after a concurrent maintenance operation has been performed ([Abstract] of Eide).

Regarding **claim 11**, Yuji further discloses attribution of said data is detected based on applications which request the storage of said data, at said detecting *(A sending set transmits the data of a gestalt which the inverter changed and which can be distributed with a broadcasting mold, [0018]).*

Regarding **claim 12**, Yuji further discloses attribution of said data is detected by extracting data attribution information which said data contains, at said detecting (*The data is passed to the filer section. Out of the passed data, the filer section identifies expiration date information, significance information and classification information, [0022]*).

Regarding **claims 13**, and **15**, Yuji further discloses it is determined that the storage of said data is to be performed, if attribution of said data shows that said data is information relating to broadcast contents or said data is broadcast content data, at said determining (*When it is judged that earthquake information, a heavy rain warning, etc. are important for a user as for the classification information which shows the classification of the contents whose information the and it will change into the data of a gestalt which can be distributed, [0018]. Since the information which can judge when informational important point or needlessness data are received, hence, does not record unnecessary information, [0029]*).

Regarding **claim 14**, Yuji further discloses it is determined that the storage of said data is to be performed, if attribution of said data shows that said data is now-on-air information including title information of broadcast contents, at said determining (*Classification information of the important information, i.e., earthquake information, a heavy rain warning etc. may be added with the category information which subdivided an informational classification further,*

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[0018]. *It is inherent that classification and/or category information contains title of the important news / information).*

Regarding **claim 19**, Yuij clearly shows and discloses a computer readable medium including computer executable instructions, wherein the instructions, when executed by a processor (*Figure 1*), cause the processor to perform a method comprising:

detecting step of detecting attribution of storing-target data (*The data is passed to the filter section. Out of the passed data, the filter section identifies expiration date information, significance information and classification information, [0022]*);

determining whether or not the storage of said data is to be performed based on the attribution of said data detected by said detecting (*When having passed over the expiration date, (Y) cancels received data (it does not record) and is completed, [0022]*);

deleting data having higher deletion-target priority than others from among a plurality of stored data, if said determination step determines that the storage of said data is to be performed and a storage medium for storing said data runs out of space, said deletion-target priority being determined based on attribution of said plurality of stored data (*The record control section records the information received from the filter section on a recording device. Here, when the capacity of a recording device is full, the data considered to be the most unnecessary are eliminated in order, judging from significance, classification, information, an*

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expiration date ... Moreover, the record control section eliminates automatically the information which has passed over the expiration date in the recorded information, [0019]); and

storing said storing-target data in said storage medium after said data deletion step deletes data having higher said deletion-target priority (*When the capacity of a recording device is full, the data considered to be the most unnecessary are eliminated in order, judging from significance, classification information, an expiration date, etc., and the information received newly is recorded, [0019]).*

Yuij does not disclose copying data from an external storage medium, and setting deletion-target priority of said data to high for all data with attribution of said data showing that said data is content copied from a compact disk.

However, Eide teaches copying data from an external storage medium, and setting deletion-target priority of said data to high for all data with attribution of said data showing that said data is content copied from a compact disk (*whenever information such as program code is to be executed by the processor, that information is copied from an external storage device such as device 314 to main storage 304 so that it can be accessed by the processor. Similarly, if such information is no longer being used, and other information is needed, the unused information is often discarded or copied back into the external storage device to make room for the new information, [Column 19, Lines 21-28]. External storage device 314 may include practically any form of mass storage device, e.g., a direct*

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access storage device (DASD), an optical drive, a floppy drive, a hard disk drive, and/or a tape drive, etc., irrespective of whether it is physically housed in the same housing as the processing complex, [Column 18, Lines 47-53]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Eide with the teachings of Yuij for the purpose of managing computer resources each facilitate concurrent maintenance operations by automatically re-associating existing resources in a computer, when suitable, with appropriate hardware devices installed into the computer after a concurrent maintenance operation has been performed ([Abstract] of Eide).

Regarding **claim 20**, Yuij further discloses attribution of said data is detected based on applications which request the storage of said data, at said detecting (*A sending set transmits the data of a gestalt which the inverter changed and which can be distributed with a broadcasting mold, [0018]*).

Regarding **claim 21**, Yuij further discloses attribution of said data is detected by extracting data attribution information which said data contains, at said detecting (*The data is passed to the filer section. Out of the passed data, the filer section identifies expiration date information, significance information and classification information, [0022]*).

Regarding **claim 22**, Yuij further discloses a data storage control program, wherein it is determined that the storage of said data is to be performed, if attribution of said data shows that said data is related information relating to

broadcast contents, at said determining (*When it is judged that earthquake information, a heavy rain warning, etc. are important for a user as for the classification information which shows the classification of the contents whose information the and it will change into the data of a gestalt which can be distributed, [0018]. Since the information which can judge when informational important point or needlessness data are received, hence, does not record unnecessary information, [0029]).*

Regarding **claim 24**, Yuji clearly shows and discloses a data storage control apparatus ([0018]-[0022]), comprising:

data attribution detection unit configured to detect attribution of storing-target data (*The data is passed to the filter section. Out of the passed data, the filter section identifies expiration date information, significance information and classification information, [0022]);*

determination means for determining whether or not the storage of said data is to be performed based on the attribution of said data detected by said data attribution detection means (*When having passed over the expiration date, (Y) cancels received data (it does not record) and is completed, [0022];*

data deletion unit configured to delete data having higher deletion-target priority than others from among a plurality of stored data, if said determination means determines that the storage of said data is to be performed and a storage medium for storing said data runs out of space, said deletion-target priority being determined based on attribution of said plurality of stored data (*The record control section records the information received from the filter section on a*

recording device. Here, when the capacity of a recording device is full, the data considered to be the most unnecessary are eliminated in order, judging from significance, classification, information, an expiration date ... Moreover, the record control section eliminates automatically the information which has passed over the expiration date in the recorded information, [0019]], and

data storage unit configured to store said storing-target data in said storage medium after said data deletion means deletes data having higher said deletion-target priority (When the capacity of a recording device is full, the data considered to be the most unnecessary are eliminated in order, judging from significance, classification information, an expiration date, etc., and the information received newly is recorded, [0019]).

Yuji does not disclose copying data from an external storage medium, and setting deletion-target priority of said data to high for all data with attribution of said data showing that said data is content copied from a compact disk.

However, Eide teaches copying data from an external storage medium, and setting deletion-target priority of said data to high for all data with attribution of said data showing that said data is content copied from the external storage medium (*whenever information such as program code is to be executed by the processor, that information is copied from an external storage device such as device 314 to main storage 304 so that it can be accessed by the processor. Similarly, if such information is no longer being used, and other information is needed, the unused information is often discarded or copied back into the external storage device to make room for the new information, [Column 19, Lines*

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21-28]. *External storage device 314 may include practically any form of mass storage device, e.g., a direct access storage device (DASD), an optical drive, a floppy drive, a hard disk drive, and/or a tape drive, etc., irrespective of whether it is physically housed in the same housing as the processing complex, [Column 18, Lines 47-53]].*

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Eide with the teachings of Yuji for the purpose of managing computer resources each facilitate concurrent maintenance operations by automatically re-associating existing resources in a computer, when suitable, with appropriate hardware devices installed into the computer after a concurrent maintenance operation has been performed ([Abstract] of Eide).

Regarding **claim 25**, Yuji further discloses said data attribution detection unit is configured to detect attribution of said data based on applications which request the storage of said data (*A sending set transmits the data of a gestalt which the inverter changed and which can be distributed with a broadcasting mold, [0018]*).

Regarding **claim 26**, Yuji further discloses said data attribution detection unit is configured to extract data attribution information which said data contains to detect attribution of said data (*The data is passed to the filer section. Out of the passed data, the filer section identifies expiration date information, significance information and classification information, [0022]*).

Regarding **claims 27, and 29**, Yuji further discloses the determination unit is configured to determine the storage of said data is to be performed, if attribution of said data shows that said data is information relating to broadcast contents or said data is broadcast content data (*When it is judged that earthquake information, a heavy rain warning, etc. are important for a user as for the classification information which shows the classification of the contents whose information the and it will change into the data of a gestalt which can be distributed, [0018]. Since the information which can judge when informational important point or needlessness data are received, hence, does not record unnecessary information, [0029]).*

Regarding **claim 28**, Yuji further discloses the determination unit is configured to determine the storage of said data is to be performed, if attribution of said data shows that said data is now-on-air information including title information of broadcast contents (*Classification information of the important information, i.e., earthquake information, a heavy rain warning etc. may be added with the category information which subdivided an informational classification further, [0018]. It is inherent that classification and/or category information contains title of the important news / information).*

Regarding **claim 30**, Eide further discloses if attribution of said data shows that said data is information relating to compact discs, said data deletion means determines that said deletion-target priority of said data is high to delete said data (*whenever information such as program code is to be executed by the*

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processor, that information is copied from an external storage device such as device 314 to main storage 304 so that it can be accessed by the processor. Similarly, if such information is no longer being used, and other information is needed, the unused information is often discarded or copied back into the external storage device to make room for the new information, [Column 19, Lines 21-28]. External storage device 314 may include practically any form of mass storage device, e.g., a direct access storage device (DASD), an optical drive, a floppy drive, a hard disk drive, and/or a tape drive, etc., irrespective of whether it is physically housed in the same housing as the processing complex, [Column 18, Lines 47-53]).

Conclusion

5. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday – Friday (7:00 AM – 4:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Neveen Abel-Jalil can be reached on (571) 272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S.T.H./
Examiner, Art Unit 2165
November 30, 2009

/Neeven Abel-Jalil/
Supervisory Patent Examiner, Art Unit 2165